

1 Randal R. Leonard, Esq.  
2 Nevada Bar No. 006716  
3 509 South Seventh Street  
4 Las Vegas, NV 89101  
(702) 598-3667  
5 *Attorney for Debtor*

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**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re: SPYROS D. KOUNTANIS  
Debtor(s).  
Case No.: BK-S-09-22361-BAM  
Chapter 13  
**OPPOSITION TO MOTION FOR RELIEF  
FROM AUTOMATIC STAY**  
Hearing Date: November 3, 2009  
Hearing Time: 1:30 p.m.

COMES NOW Debtor(s), Spyros D. Kountanis by and through counsel, Randal R. Leonard, Esq., and hereby opposes creditor U.S. Bank, National Association's (U.S. Bank) Motion for Relief from Automatic Stay. This Opposition is based upon the pleadings and papers in file herein and the Memorandum of Points and Authorities attached hereto.

Dated this 22nd day of October, 2009.

/s/ Randal R. Leonard  
Randal R. Leonard, Esq.  
Nevada Bar No. 006716  
509 South Seventh Street  
Las Vegas, NV 89101  
(702) 598-3667  
*Attorney for Debtor*

## MEMORANDUM OF POINTS AND AUTHORITIES

Creditor U.S. Bank claims that Debtors are behind post-petition on their Note obligations secured by a Lien against the property commonly known as 9345 Thunder Basin A, Las Vegas, Nevada, 89149.

Debtor disputes Creditor's claims as to debtor's intentions, the amount debtor owes, late charges, attorney's fees, and costs. Nevertheless, should the claims prove true, Debtor requests that the Court enter an Adequate Protection Order based upon the following:

1. That the Debtor commences the regular monthly mortgage payments.
2. That the Debtor cures the monthly payment arrears over a six month period in equal installments.
3. That the Debtor be given a 15-day default letter should the Debtor default in payments.
4. Reasonable attorney's fees and costs.

11 U.S.C. § 362(d) governs motions to lift the automatic stay. It states that the stay shall not lift unless the party requesting relief can show (1) cause including a lack of adequate protection or (2) that the property involved does not have equity and the property is not necessary for an effective reorganization.

In this matter, the APO should protect the Creditor. Therefore, Debtors submit that the stay should not lift at this time.

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1 In the alternative, should the claims prove true, Debtor further requests that if the  
2 Creditor has already commenced foreclosure proceedings against Debtor's property by filing a  
3 Notice of Default or Notice of Breach with the County Recorder, that the Creditor be required to  
4 initiate the foreclosure process again by filing the Notice of Default or Notice of Breach anew.

5  
6 Dated this 22nd day of October, 2009.

7 /s/ Randal R. Leonard  
8 Randal R. Leonard, Esq.  
9 Nevada Bar No. 006716  
10 509 South Seventh Street  
11 Las Vegas, NV 89101  
12 (702) 598-3667  
13 *Attorney for Debtor*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 22nd day of October, 2009 I sent via electronic means and first class mail, postage pre-paid, the foregoing **OPPOSITION TO MOTION FOR RELIEF FROM STAY** to the following:

*via electronic means:*

courtsecf3@las13.com  
Kathleen Leavitt  
*Chapter 13 Trustee*

bk@wilde law.com  
Gregory Wilde, Esq.  
*Attorney for Secured Creditor US Bank, N.A.*

mbergstrom@mileslegal.com  
Jeremy T. Bergstrom, Esq.  
*per BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP's  
Request for Special Notice through their Counsel Jeremy T. Bergstrom, Esq.  
(Ref: Docket Document #19)*

jsallade@brooksbauder.com  
Michael R. Brooks, Esq.  
*Attorney for Secured Creditor Suntrust Mortgage, Inc.*

claims@recoverycorp.com  
Attn: Ramesh Singh  
*Per Recovery Management Systems Corporation's Request for Special Service  
(Ref: Docket Document #20)*

/s/ Randal R. Leonard  
Randal R. Leonard, Esq  
Nevada Bar No. 006716  
509 South Seventh Street  
Las Vegas, NV 89101  
(702) 598-3667  
Attorney for Debtor(s)